REMARKS

Favorable reconsideration of this application, in view of the above amendments and following remarks, is respectfully requested.

Claims 9-20 are pending in this application. By this amendment, Claims 1-8 are canceled; Claims 9-20 are added; and no claims are amended herewith. It is respectfully submitted that no new matter is added by this amendment.

In the outstanding Office Action, Claims 4-6 were objected to; Claim 2 was rejected under 35 U.S.C. § 112, second paragraph; Claims 1, 2, 7, and 8 were rejected under 35 U.S.C. § 103(a) as unpatentable over US 2002/0050480 to Rolle in view of U.S. Patent No. 5,221,311 to Rising; and Claim 3 was rejected under 35 U.S.C. § 103(a) as unpatentable over Rolle, Rising and further in view of U.S. Patent No. 6,613,406 to Yaniger.

With respect to the objection to Claims 4-6, Claims 4-6 are canceled by the present amendment. Accordingly, withdrawal of the objection to Claims 4-6 is respectfully requested.

With respect to the rejection of Claim 2 under 35 U.S.C. § 112, second paragraph, Claim 2 is canceled by the present amendment. Accordingly, withdrawal of the rejection of Claim 2 is respectfully requested.

With respect to the rejection of the claims under 35 U.S.C. § 103(a) as unpatentable over Rolle, Rising, and Yaniger, those rejections are respectfully traversed.

It is respectfully submitted that the applied art does not teach or suggest inserting a glass closing plug in the filling neck to drive out at least part of the air volume located above the filling level of the hollow body, the glass plug including a radially projecting flange provided at a substantially middle portion in a longitudinal direction thereof, and an external portion of the glass plug extends in the longitudinal direction above the flange, and fusing the

substantially middle portion of the plug with a top end of the filling neck, as recited in Claim 9 and similarly recited in Claims 17 and 19.

Instead, Rolle discusses a vessel 2 that includes a circumferential groove 5 V-shaped in cross section which reduces the wall cross section for forming a break-off location. Upper end of the vessel 2 is closed by a thickening 6 to form a strengthened wall cross section. The lid 3 has a cylindrical outer contour and a downwardly directed first section 8 which is insertable into the vessel 2. This first section 8 includes a lower part 8a immersable into the vessel 2. A second section 9 of the lid 2 is flange-like and forms the top surface of the lid 3. After filling and with the lid 3 placed on the vessel 2, the lid 3 and the vessel are welded to one another.

In Rolle, the fluid 4 located in the container is filled up to shortly below the break-off location 5 so that on breaking open the container this fluid is not spilled. The filling level is indicated at 11 in Fig. 1. During use, the disposable container 1 can be broken open with the users hands without the need for tools. The directed bending of the container 1 is in the region of the break-off location formed by the groove 5 and is broken open so that the fluid located therein 4 may be removed.

Rising discusses that each vial 10 contains a mixture 22 and is placed upright in a base 32. As shown in Fig. 7, a flame nozzle 38 jets a flame to make contact with an intermediate portion of vial 10. After the glass is softened in the region heated, as seen in Fig. 8, a cap 34 is pulled upwardly to stretch vial 10. In Fig. 9, a flame nozzle 44 is employed to heat a very narrow portion of waist 42 until total collapse takes place sealing off the bottom portion 10a of vial terminating in a sealed tip 46. Cap 34 with the top portion of vial 10 is removed.

Accordingly, the features of the claimed invention are not taught or suggested in the applied art. Again, the independent claims recite in part that a glass closing plug is inserted

into the filling neck to drive out at least part of the air volume located above the filling level of the hollow body, the glass plug includes a radially projecting flange provided at a substantially middle portion in a longitudinal direction thereof and an external portion of the glass plug extends in the longitudinal direction above the flange. The substantially middle portion of the plug is fused with a top end of the filling neck. Again, Rolle discusses that the area 5 located below the flange portion of lid 8 is the portion that is broken when the user wishes to access the contents of the vessel 2.

In accordance with one or more embodiments of the invention, due to the fact that the closing plug projects into the filling neck, part of the air volume located above the filling level is driven out. In addition, the product contained in the hollow body will be heated to a lesser degree during closing of the bottle, since the air volume that could cause heating of the bottled product through convection during the melting process carried out for closing the hollow body is reduced in size. In view of the fact that the filling neck is reinforced by the closing plug inserted, the wall thickness of the glass can be reduced still further in the case of the filling neck as well as in the case of the closing plug, without the strength of the filling opening being impaired.

Further, as recited in Claim 16, the glass closing plug is inserted below the filling level of the hollow body. In contrast, the first section 8 of plug 9 of Rolle is slightly inserted into vessel 2. If section 8 extended to the fill line 11, when the user broke the vessel 2, the lid would interfere with the removal of the upper section of vessel 2.

Accordingly, withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) is respectfully requested.

Consequently, for the reasons discussed in detail above, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal allowance. Therefore, a Notice of Allowance is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact the undersigned representative at the below-listed telephone number.

Respectfully submitted,

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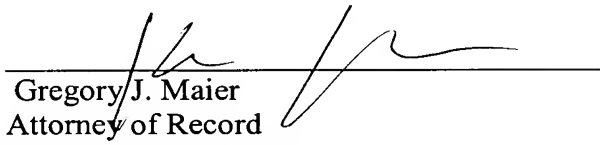

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